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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/730,519

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Robert G. Harrison

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/730,519

Applicant(s)

HARRISON ET AL.

Examiner

Son P. Huynh

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007, and 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8, 10-19, 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Claims 9 and 20-21 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-19, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,219,042) in view of Brad Hill ("WebTV for DUMMIES").

Regarding claim 1, Anderson discloses an appliance (set top box 20, TV 22 and remote control 24 – see col. 3, lines 2-12) which only has an Internet mode of operation and a TV mode of operation (figures 1-3):

the appliance having the capability of connecting the appliance to the Internet and concomitantly displaying a worldwide web home page (figures 3-4);

the appliance also having the capability of bringing up and displaying pages which are directly or indirectly linked to the home page (see including, but are not limited to, figure 3, col. 5, lines 15-23);

the appliance further has capability, when the appliance is switched out of its Internet mode into its TV mode and then back into the Internet mode, of returning to a web page displayed when the appliance was switched out of the Internet mode (the terminal is configured to maintain current state-connection status, active web page, history, etc.- of the Internet mode when a transition to television mode occurs. This allows a user to switch back and forth between modes without having to start the browsing process over each time... col. 5, lines 33-43), wherein when the appliance is in

the TV mode the appliance is not in the Internet mode (i.e. when in TV mode, display full screen television configuration in which the television program displays on the entire television screen – see including, but are not limited to, col. 5, lines 4-9, col. 6, lines 10-11, lines 20-26). Anderson also discloses when the view button is used to toggle from a television mode configuration in which no television programming is display to Internet mode (see col. 6, lines 4-6).

Anderson further discloses the appliance having an INTERNET mode control for selecting the INTERNET mode of operation (e.g., user selecting WebTV power or View button to toggle to Internet mode, see include, but are not limited to, figure 6, col. 5, lines 32-42); and the appliance having a TV mode control for selecting the TV mode of operation (e.g., TV power button or View button to toggle to TV mode – see include, but are not limited to, figure 6, col. 5, lines 32-42).

However, Anderson does not explicitly disclose when the appliance is in the Internet mode, the appliance is not in the TV mode; and the appliance having the capability of coming on in the Internet mode if, when the appliance is off, a user activates the Internet mode control; and the appliance having the capability of coming on in the TV mode if, when the appliance is off, a user activates the TV mode control.

Brad discloses Home screen of WebTV Classic does not contain a link to TV Home; or the user can customize the Web Home screen, or the user can select Mail, Explore icons on the Web Home screen to display only Internet content (see include, but are not limited to, first page of chapter 4, page 65, page 99, page 129, page 132,

page 162). Thus, Brad discloses when the appliance is in the Internet mode, the appliance is not in the TV mode (e.g., displaying only content from Internet).

Brad further discloses the appliance having the capability of coming on in the Internet mode if, when the appliance is off, a user activates the Internet mode control (e.g., press the Web (classic) or Power (Plus) button on the remote control, the appliance is turned on and connected to WebTV and display Home Screen (WebTV Classic) or Web Home Screen (WebTV plus) – see include, but are not limited to, bridge paragraph of pages 39 and 40, first page of chapter 3 and page 44); and the appliance having the capability of coming on in the TV mode if, when the appliance is off, a user activates the TV mode control (e.g., switch to TV mode and press power button or press TV button to turn the appliance including TV on and displaying TV Home Screen – see including, but are not limited to, page 54-page 55, first page of chapter 4, first page of chapter 5, page 82).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to use the teaching as taught by Brad in order at least to enlarge information of the website on the screen/ or to reduce interference of web site content displayed on the screen, or to access Internet mode or TV mode quicker and easier.

Regarding claim 2, Anderson in view of Brad teaches an appliance as discussed in the rejection of claim 1. Anderson further discloses the appliance also has the capability, selectable by a user of the appliance, of returning to the worldwide web home page

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when the appliance is switched from the TV mode to the Internet mode (col. 5, lines 32-43).

Regarding claim 3, Anderson in view of Brad teaches an appliance as discussed in the rejection of claim 1. Anderson further discloses the appliance, if switched out of the TV mode and then back to the TV mode, will return to the channel which was active when the appliance was switched out of the TV mode (if the first configuration is a viewing configuration, then the configuration is not changed and configuration of the television mode is not changed when switch to Internet mode and back to television mode – col. 6, lines 5-45. As a result, the channel will stay the same as before the appliance was switched).

Regarding claim 4, the redundant claim limitations have been addressed in claim 1. Anderson further discloses an input device (24-figure 6, or keyboard – col. 3, lines 5-7) for transmitting data to the integrated unit by signals in a selected part of the electromagnetic spectrum (figure 6, col. 3, lines 4-12), wherein the input device has the following controls:

back button (figure 6) inherently reads on Back controls for moving backwards through Internet web pages (figure 6, also please refers to US 6,496,205 for detail description of all buttons on the remote control 24);

up and down buttons (figure 6) inherently reads on a set of up and down scroll buttons controls for moving a page relative to a screen component of the appliance

a set of LEFT, RIGHT, UP and DOWN arrows 106,102,100,104 (figure 6, col. 5, lines 24-32) reads on a second, separate set of LEFT, RIGHT, UP and DOWN buttons for moving a cursor about the screen component of the appliance; and

“GO” button 108 (figure 6, col. 5, lines 25-42) reads on a GO control used to bring up a web page indicated by the cursor (highlight by moving arrows 100-106).

Anderson does not explicitly disclose Next controls for moving forwards through the page and Left, Right scroll controls.

Official Notice is taken that including the next controls for moving forwards through the pages and Left, Right scroll controls on the input device such as remote control or keyboard are well-known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to use the well-known teaching of input device having next controls for moving forwards through the pages and Left, Right scroll control in order to provide a user with an easier and more convenient means for navigation/scroll through web pages horizontally.

Regarding claim 5, Anderson further discloses the input device (24) has the capability of generating and transmitting signals in the infrared portion of the electromagnetic spectrum (see including, but is not limited to, col. 3, lines 5-11).

Regarding claims 6-8, Anderson further discloses the input device (24) is a remote control, or a keyboard (see including, but is not limited to, col. 3, lines 5-11); the input device has exactly two mode selection controls, the controls being a TV control and an

Internet control (using "View" button 110 which allows the user to toggle, or switch, back and forth between the Internet and television modes – col. 5, lines 33-35).

Regarding claim 10, Anderson further discloses the input device (24) has an OPTIONS button (figures 6-8) reads on the claim OPTIONS control operable to bring up on the screen component a menu of choices available to a user of the appliance, the OPTIONS control being usable in both TV and Internet modes of operation of the appliance.

Alternatively, Brad also discloses "input device has OPTIONS control for" (see pages 45, 50-52).

Regarding claims 11-12, Anderson further discloses switch away from the Internet mode to TV mode and then switch back to the Internet mode, they are placed in the same configuration and state as when they left (see include, but is not limited to, col. 5, lines 32-43). Anderson in view of Brad does not explicitly disclose a stop control operable with the appliance in its Internet mode of operation to terminate the downloading of Internet file and a pause control operable with the appliance in its Internet mode of operation to first stop the downloading of a web file and to then cause the downloading of the file to continue from the point where it was stopped.

Official Notice is taken it would have been well known to pause and stop or pause the downloading of the Internet page to provide a user with an option of stopping a download or to pause the download for time convenient for a user. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson in view of Brad to include the claimed limitation of stopping or pausing a download to provide a user with an option and more control with respect to downloading.

Regarding claims 13-14, Anderson further discloses the input device (24) has a numerical keypad (figure 6), a keyboard with keys corresponding to the letters of the alphabet (keys corresponding to letters on the standard keyboard – col. 3, lines 6-7); Brad also discloses these limitations (see pages 45, 55-56).

Regarding claims 15-16, Anderson further discloses the set top box may be built into television set 22 as an integral unit (col. 3, lines 2-3). It is obvious to one of ordinary skill in the art that the integrated unit (e.g., television set 22) is of the stand alone unit type and is constructed to sit on a horizontal surface, has the capability of being mounted to an overhead structure, or wherever comfortable to a user.

Regarding claim 17, Anderson further discloses the capabilities of the integrated unit are provided by operating components which include:

- a video switch/display driver (met by video encoder, ASIC, CPU, RAM, ROM – figure 4);

- an audio switch/speaker driver (met by audio DAC, ASIC, CPU, RAM, ROM – figure 4);

an INTERNET controller (ISDN modem, telephone modem – figure 4) operatively connected to the video switch/display driver and the audio switch/display driver; and
a television controller/digital tuner (met by TV I/F 54 – figure 4) also operatively connected to the video switch/display driver and the audio switch/display driver.

Regarding claim 18, Anderson further discloses the television controller/digital tuner has a connection for a television cable or antenna (e.g. for receiving broadcast video signal such as an NTSC, PAL, SECAM or other TV system video signal – figures 1, 4; col. 3, line 18-64) and the Internet has telephone lines connections, ISDN connections, or any other similar type of connection such as cable and forward channels (figures 4-5, col. 4, lines 10-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the Internet controller uses Ethernet and USB in order to connect a readily available communication standard and for transmit Internet data faster.

Regarding claim 19, the redundant claim limitations have been addressed in the rejection of claim 1. Anderson in view of Brad also discloses the appliance can be turned on and off using power button/WebTV button on the input device (see Anderson, figure 6; or Brad pages 39-41, first page of chapter 3, pages 44-45).

Regarding claim 22, Anderson further discloses the appliance which has the capability, when the appliance is switched out of its Internet mode and then back into the mode, of

returning to a web page displayed when the appliance was switched off of the Internet mode (col. 5, lines 32-43).

Regarding claims 23 and 24, the additional limitations as claimed correspond to the additional limitations as claimed in claims 2-3, and are analyzed as discussed with respect to the rejection of claims 2 -3.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

« WebTV » - Sadun et al. (Copyright 2000) – 4 pages.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

April 26, 2007

A handwritten signature in black ink, appearing to read 'SPH' followed by a stylized flourish.